

United States District Court

DISTRICT OF DELAWARE

SUMMONS IN A CIVIL ACTION

MERCK & CO., INC. )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
TEVA PHARMACEUTICALS USA, INC. )  
 )  
Defendant. )  
 )

CASE NUMBER: 06 - 310

TO: Teva Pharmaceuticals USA, Inc.  
c/o The Corporation Trust Company  
1209 Orange Street  
Wilmington, DE 19801

**YOU ARE HEREBY SUMMONED** and required to file with the Clerk of this Court and serve upon  
PLAINTIFF'S ATTORNEY: Mary B. Graham  
Morris, Nichols, Arsht & Tunnell LLP  
1201 North Market Street; P.O. Box 1347  
Wilmington, DE 19899-1347  
302-658-9200

an answer to the Complaint which is herewith served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

PETER T. DALLEO

CLERK

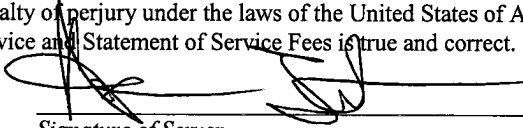
DATE

5/10/06

BY DEPUTY CLERK

*Monica Masley*

AO 440 (REV. 10/93) Summons In a Civil Action

<b>RETURN OF SERVICE</b>		
Service of the Summons and complaint was made by me <sup>1</sup>	DATE May 11, 2006	
NAME OF SERVER (PRINT)  Aaron Johnston	TITLE  Messenger	
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the defendant. Place where served: _____ _____ <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with person of suitable age and direction then residing therein. Name of person with whom the summons and complaint were left: _____ <input type="checkbox"/> Returned unexecuted: _____ _____ <input checked="" type="checkbox"/> Other (specify): <u>Service of the Summons and Complaint was made upon defendant Teva Pharmaceuticals USA, Inc. by delivering copies thereof to defendant's registered agent, The Corporation Trust Company, at 1209 Orange Street, Wilmington, DE 19801.</u>		
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES	TOTAL
<b>DECLARATION OF SERVER</b>		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on <u>5.11.06</u>   Date Signature of Server</p> <p>Morris, Nichols, Arsht &amp; Tunnell LLP  1201 N. Market Street, Wilmington, DE 19801  Address of Server</p>		

1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure